
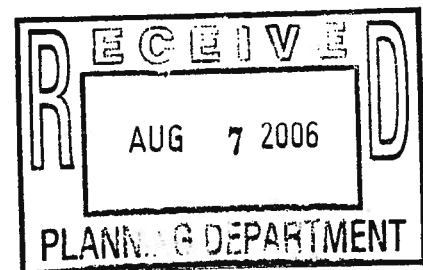


COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: August 7, 2006
TO: Mike Elabarger, Project Manager
Department of Planning
FROM: Teresa H. Miller, Planner 
CC: Marilee L. Seigfried, Deputy Zoning Administrator
CASE NUMBER AND NAME: ZCPA-2006-0005, University Center

TAX MAP / PARCEL NUMBERS: /63/E16////P/
/63/E16///P-1/
/63/E15////H1/
/63/E15////H2/
/63/E15////H3/
/63/E/2////L1/
/63/E/3////I2/
/63/E/3////I4/
/63/E/1////N/
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/63/E16////F/
/63/E14CM//(35-58)/
/63/E13////D/
/63/E14CM//(1-34)/
/63/E14CM//(059-100)/

MCPI: 039-25-8839
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039-36-0846
039-35-8157
039-36-4529
039-17-8435
039-26-3557
039-17-4565
039-27-5116
057-30-6159
039-35-4929
056-10-7652-(035-058)
039-45-3593
056-10-7652-(001-034)
056-10-7652-(059-100)



ATTACHMENT 1

A-1

The associated parcels are zoned PD-RDP under the 1972 Loudoun County Zoning Ordinance. Zoning Administration has reviewed the above referenced **Zoning Concept Plan Amendment (ZCPA)** application for conformance to the 1972 Loudoun County Zoning Ordinance and has the following comments.

CRITICAL ISSUES

1. The Statement of Justification makes reference to Section 1208 of the 1972 Zoning Ordinance, however, the justification that follows addresses Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance. Please provide justification that addresses Section 1208 of the 1972 Zoning Ordinance.
2. It has been indicated that a number of proffers have been fulfilled. A proffer audit needs to be submitted to proffer manager Susan Glass, Department of Building and Development. Submit adequate information such that staff can verify that proffers have been fulfilled to enable County records to be updated if necessary. This is a critical issue because the subject ZCPA proposes to replace ZCPA-2000-0009.

PLAN COMMENTS

1. Please insure that revision and plan dates are correct for all proffered sheets as there are variations on some pages.
2. Sheet 7 - Section 2B Maximum Building Floor Area - please expand this section to give the maximum floor area for the affected parcels as to be consistent with the rest of the plan.
3. Sheet 7 – Interchange Dedication – it appears that 8.62 acres have been dedicated to the future interchange. This is a difference of 5 acres from ZCPA-2000-0009. Please be advised that as the ultimate design plan has not been finalized by VDOT and OTS, this area may not be sufficient for the interchange.
4. Sheet 7 – Please label parcels H-1, H-2 and H-3 on the plan. Currently, all three parcels are labeled as simply H.
5. Sheet 11 - A section of trail has been deleted from the proffered Pedestrian Amenities Plan. The minimum 4' wide hard paving with finished surface trail has been removed from the Northwest side of Parcel P-1. Please explain why this section of trail is no longer on the plan.

PROFFER COMMENTS

1. Introduction – All associated parcels (LCTM and MCPI) numbers need to be listed within the proffer document. There are a number of condominiums within the related parcels that need to be listed individually. Additionally, parcel /63/E16///F/, under MRP/TBG Associates, LLC has not been listed within the proffer introduction and it appears this parcel is subject to this application.
2. Introduction - Per the decision in APPL-2004-0017, ZMODS approved with ZMAP-1986-0029 are valid. This case did not relate to any other legislative applications. Therefore amend the introduction to read as follows: *“Notwithstanding, the zoning modification approved under ZMAP-86-29 (approved 11/7/88) shall remain in effect and applicable to the Property.”* The final sentence of the Proffer Introduction is not necessary.
3. Proffer 1 – Concept Development Plan (CDP) – Sheets 12 and 13 have been stricken from the proffer. As the county has not received adequate information that these buffer treatments have been provided, it is premature to remove them from the proffer.
4. Proffer 3 – Route 7 Setbacks. The majority of this proffer has been stricken. As this proffer has not been fulfilled for all affected parcels, striking through this section is not appropriate.
5. Proffer 5 – Coordination with Potomac Farms. Sheets 12 and 13 have also been stricken from the proffers in addition to landscaping and buffer treatments along parcel E. Please explain why these proffers have been removed.
6. Proffer 7 – On-Site and Off-Site Regional Road Improvements (D) 1 and 2 – Preliminary Design Plans and Construction Plans. These proffers are stated as fulfilled or amended to reflect a change. Please provide the application number of the submitted preliminary subdivision application and construction plans for the interchange. Staff could not find any record of approved plans related to this proffer.
7. Proffer 7 – On-site and Off-Site Regional Road Improvements (E) Right-Of-Way Dedication and Reservation. Amend to state, “any temporary **or permanent** easements.”

OTHER

1. Statement of Justification Section III. Project Summary indicates that the design for the interchange is a single-point diamond. Documentation from the Office of Transportation services will need to be provided indicating that this design type has been approved.
2. The acreage obtained through the vacation of Presidential Drive is stated to be approximately 3 additional developable acres. As noted above, the unneeded interchange area gives an additional 5 acres. However, the statement of justification states an increase from 150.13 to 160.89. This calculation would indicate that the additional developable land would be approximately 10 acres. The amount of acreage would seem to be overstated. (2.99 Presidential Drive + 5 acres Interchange Dedication = 7.99 acres)
3. Statement of Justification Section III. Project Summary, the retail floor area shall not exceed a maximum of 5% of the total permitted floor area. Within the plans, Sheet 7 of both ZCPA-2000-0009 and ZCPA-2006-0005 state that retail will not exceed a maximum of 11% of the total permitted floor area. Reconcile the difference between the Statement of Justification and the plans.
4. Checklist Item J4 – Executive Summary lists the incorrect application number. (ZCPA-2005-0005 instead of 2006)
5. Correct the application number on all applicable sheets of the plan as well as the proffers to reflect the application number ZCPA-2006-0005.
6. Staff recommends that the final submission of the plan be in color as was provided with ZCPA-2000-0009. Or, make the legends contain more distinguishable black-white variations.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: October 3, 2007

TO: Mike Elabarger, Project Manager
Department of Planning

FROM: Teresa H. Miller, Planner

CC: Marilee L. Seigfried, Deputy Zoning Administrator

CASE NUMBER AND NAME: ZCPA-2006-0005, University Center

TAX MAP / PARCEL NUMBERS: /63/E16////P/
/63/E16///P-1/
/63/E15////H1/
/63/E15////H2/
/63/E15////H3/
/63/E/2////L1/
/63/E/3////I2/
/63/E/3////I4/
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/63/E14CM//(059-100)/

MCPI: 039-25-8839
038-16-7329
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039-35-8157
039-36-4529
039-17-8435
039-26-3557
039-17-4565
039-27-5116
057-30-6159
039-35-4929
056-10-7652-(035-058)
039-45-3593
056-10-7652-(001-034)
056-10-7652-(059-100)

The associated parcels are zoned PD-RDP under the 1972 Loudoun County Zoning Ordinance. Zoning Administration has reviewed the 2nd submission of the above referenced **Zoning Concept Plan Amendment (ZCPA)** application for conformance to the 1972 Loudoun County Zoning Ordinance and has the following comments.

CRITICAL ISSUES

1. The following comments are those of Susan Glass, Proffer Manager, regarding the proffer audit of ZCPA-2000-0009. The proffers proposed with this application are to take the place of proffers associated with ZCPA-2000-0009, some of which have yet to be fulfilled.
 - Proffer 2.D indicates provides for the construction of trails shown on the Pedestrian Amenities Plan; the audit indicates this effort is ongoing. It is noted that there is a deficiency in the trail connections between buildings. Somehow this was missed in prior site plans. We need to ensure the trails are constructed along the roads and between the buildings.
 - Proffer 3 provides for Rt 7 Setbacks and includes a provision for a unified and coordinated landscape buffer 100 ft in depth and located within the parking setback. The proffer audit indicates this proffer has been fulfilled, which is incorrect. There is currently a row of leyland cypress trees that have been planted along Rt 7 pursuant to proffer 4.D. The 100 ft landscape buffer proffer should be retained and needs to be included in each site plan for property adjacent to Rt 7.
 - Proffer 5.B provides for landscaping, fencing and berming along the eastern edge of the 50 ft setback on parcel E. The proffer audit indicates this proffer will be deleted with the ZCPA 2006-0005. This proffer should not be deleted without the consent of the residents of the Potomac Farms subdivision.
 - Proffer 10 provides for the establishment of employment enclaves for mentally disabled workers and that the owners shall provide literature explaining the enclave concept to all employers on the property. The proffer audit indicates that this is an ongoing effort. My question is what has taken place to fulfill this proffer to date? I've never heard anything about handicapped enclaves at University Center. What documentation exists?
 - Proffer 11 provides for a tree preservation program. The proffer audit included a copy of a report that University Center's developer and reports that the proffer is fulfilled; however, it appears that it only covers the SW quadrant of the property. It appears a report for the rest of the property is needed.

PROFFERS

1. The revision dates of the plan sheets are not consistent in the proffers (introduction as compared to proffer 1.). Please ensure that the revision dates within the proffers match as well as the revision dates on the proffered sheets of the CDP.

PLAN COMMENTS

1. Please insure that revision and plan dates are correct for all proffered sheets as there are variations on some pages. The dates of the proffered sheets of the CDP need to be consistent with the dates of the sheets referenced within the proffers. The proffers currently list sheets to be dated as of March 31, 2007; however this is not the date reflected on some of the sheets.

OTHER

1. The statement of justification states an increase from 150.13 to 160.89. This calculation would indicate that the additional developable land would be approximately 10 acres. The amount of acreage would seem to be overstated as that compared to the acreage reflected within the CDP and proffers.
(2.99 Presidential Drive + 5 acres Interchange Dedication = 7.99 acres)
2. Statement of Justification Section III. Project Summary, the retail floor area shall not exceed a maximum of 5% of the total permitted floor area. Within the plans, Sheet 7 of both ZCPA-2000-0009 and ZCPA-2006-0005 state that retail will not exceed a maximum of 11% of the total permitted floor area. Correct the Statement of Justification to agree with the proffers as well as the CDP.

County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 18, 2006

TO: Mike Elabarger, Project Manager
Land Use Review

FROM: Melanie L. Wellman, Planner ^{MLW}
Community Planning

SUBJECT: ZCPA 2006-0005 University Center

BACKGROUND

The applicant, Collin Equites, Inc. of Houston, Texas is requesting a Zoning Concept Plan Amendment (ZCPA) to ZCPA 2000-0009, University Center to increase the maximum permitted floor area for Parcels E and F, in which the acreage increased, and to decrease the maximum permitted floor area for Parcel P, for which the acreage has decreased, while maintaining the same maximum FAR which was established under ZCPA 2000-0009. The application is proposing to increase the maximum permitted floor area for office by 140,746 square feet and for commercial by 12,961 square feet. The increase in acreage results from right-of-way not being needed for the construction of an interchange at Loudoun County Parkway and Route 7, which was anticipated under ZCPA 2000-0009, and the eventual vacation of the Presidential Drive right-of-way.

ZCPA 2000-0009, University Center, was approved on December 2, 2002, and allowed for the amendment of the concept plan and proffers approved with ZMAP 1992-0004 and ZCPA 1992-0009 by reducing the office square footage for the property from 7,125,504 square feet to 2,065,273, excluding the George Washington University development.

The property is zoned PD-RDP (Planned Development – Research and Development Park) under the 1972 Zoning Ordinance. The proposed application consists of 12 land bays (parcels D,E, F, H (1-3), I-2, I-4, L-1, N, P, and P-1) over approximately 150 acres.

University Center is bordered on the east by the Broad Run; on the west by Potomac Farms Subdivision; on the north by the Potomac River; and on the south across Route 7 by the PD-IP-zoned Ray Property, the PD-OP-zoned Loudoun Square Center development, the PD-IP-zoned Commonwealth Center Property, and the PD-RDP-

zoned One Loudoun Center property. The subject site is currently graded and improved with roads and infrastructure.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and the Revised Countywide Transportation Plan (CTP). The policies of the Countywide Retail Plan Amendment (Retail Plan) also apply. The site is located in the Ashburn community of the Suburban Policy Area and is planned for Keynote Employment uses.

ANALYSIS LAND USE

Keynote Employment

The Revised General Plan includes specific policies that apply to Keynote Employment Centers. These policies, as listed below, apply to the University Center property.

Keynote Employment uses are defined as large-scale regional office developments that feature high visual quality and high trip-generating uses, including office parks, research and development parks, corporate headquarters, and similar uses of a large scale. Keynote Employment areas will be single-use with the ancillary services necessary to support the predominant office use (Revised General Plan, Policy 1, p. 6-28). Keynote Employment along Route 7 should be set back a minimum of 300 feet from the right of way with green buffering, preferably native vegetation (Revised General Plan, Policy 2, p. 6-28).

The land use mix (measured as a percentage of the land area) in a Keynote Employment area generally will comply with the following ratios (Revised General Plan, Policy 4, p. 6-28):

Land Use Category	Minimum Required	Maximum Permitted
Regional Office	70%	85%
Commercial Retail & Services*	0%	10%
Public & Civic	5%	no maximum
Public Parks & Open Space	10%	no maximum

* Retail policy guidance provided in *Countywide Retail Plan*

Employment Supportive Retail

University Center is considered Employment Supportive Retail. Employment Supportive Retail Centers are generally intended to provide convenient retail and personal support services, such as office supply stores, copying/mailing facilities, restaurants, daycare centers, drycleaners, banks, and similar uses, to employees and business in adjacent office and industrial parks. Destination Retail and Freestanding Retail uses will not be permitted in Employment Supportive Retail Centers. Employment Supportive Retail should generally be internal to the Business Community being served (Retail Plan, matrix, p. 22). Specific characteristics defining Employment Supportive Retail Centers are outlined in the Retail Types Matrix on page 22 of the Retail Plan (Retail Plan, Policy D1, p. 18).

The application is proposing an increase in square footage for office and commercial uses for land bays in University Center along Route 7. Commercial uses are proposed in land bays E, F, H, and P. When retail uses on Parcel E adjacent to Route 7 were proposed with ZCPA 2000-0009, University Center, staff expressed concern with the compatibility and location of these retail uses in a Keynote Employment Area. Additional retail uses would only be compatible if they were located internal to the Business Community, not along a major transportation corridor. The intent of ancillary retail is to provide commercial and service uses within walking distance of those employees working in a Business Community. A stand-alone shopping center along Route 7 is considered a strip commercial development that would attract drive-by automobile traffic.

University Center has been developed with residential and retail uses, which are not in conformance with the Keynote Employment policies of the Plan. Future development along this area of Route 7 should comply with the land use policies of the Plan related to Keynote Employment. Staff supports the proposed addition of office uses. However, staff is unable to support additional retail uses as the retail is not proposed to be internal and is not easily accessible to the Business Community. Retail would also attract automobile traffic from Route 7, which is not the intent of Employment Supportive Retail. Staff is unable to support the request for additional retail on land bays E, F, H, and P.

RECOMMENDATIONS

While the proposal for additional office is compatible with Keynote Employment, the proposed additional retail is not. Any additional retail proposed should be Employment Supportive, per the Keynote Employment policies of the Revised General Plan and the retail policies of the Retail Plan. Staff is unable to recommend approval of the ZCPA until the issue regarding the proposed retail is addressed.

Staff would be happy to meet with the applicant to discuss this issue.

cc: Julie Pastor, AICP, Director, Planning
Cynthia L. Keegan, AICP, Program Manager, Community Planning

A-10

County of Loudoun
Department of Planning
MEMORANDUM

DATE: May 25, 2007
TO: Mike Elabarger, Project Manager
Land Use Review
FROM: Melanie Wellman, Planner
Community Planning
SUBJECT: ZCPA 2006-0005, University Center, 2nd referral

BACKGROUND

The applicant, Colin Equities, Inc. of Houston, Texas is requesting a Zoning Concept Plan Amendment (ZCPA) to ZCPA 2000-0009, University Center to increase the total floor area, while maintaining the same FARs for Parcels E, F, and P due to less right-of-way needed for the interchange anticipated under ZCPA 2000-0009, University Center, and the vacation of Presidential Drive once the interchange is constructed. The Statement of Justification states that under ZCPA 2000-0009, the developable acreage is 150.13 acres, while the proposed ZCPA would result in 160.89 developable acres. Approximately 140,746 square feet of development is being proposed on this additional acreage. The retail and office floor area is being increased because of the increased land area; however, the maximum percentage of 5% of the total permitted floor area approved under ZPCA 2000-0009 will be maintained.

In the 1st referral staff expressed support for the additional office uses on site, but was not able to support additional retail uses because it was unclear whether the retail was internal and employment supportive. No information has been provided about the specific type or location of retail proposed. This issue is outlined in further detail below.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and the Revised Countywide Transportation Plan (CTP). The policies of the Countywide Retail Plan Amendment (Retail Plan) also apply. The site is located in the Ashburn community of the Suburban Policy Area and is planned for Keynote Employment uses.

OUTSTANDING ISSUE

Proposed Retail

In the 1st referral staff stated that while the proposal for additional office use is compatible with Keynote Employment, the proposed retail is not, as it is not proposed to be internal and not easily accessible to the Business Community. The applicant responded by stating that, "ZCPA 2000-0009 established the location and proportional density for the employment supportive retail appropriate to the PD-RDP district, as well as minimize site design features for the supportive retail uses so as to minimize their view from Route 7. This amendment maintains all of these features from ZCPA 2000-0009 and merely proposes to increase the supportive retail uses maintaining the same proportions as the maximum permitted square footage of some of these land bays increases due to parcel size increase."

Staff recognizes that retail uses were approved under the previous ZCPA for this property. However, the application is proposing an increase in retail from 103,263 square feet to 111,203 square feet under the Phase One Development Plan, and a maximum of 116,224 square feet under the Ultimate Development Plan. The existing and proposed proffers state that, "these uses may be located in freestanding buildings or located on the first floor of office buildings."

The addition of retail uses cannot be supported unless information is provided which ensures that these additional uses will be internal to the site and/or located on the first floor of office buildings. Staff recognizes that there is a 325 foot setback from Route 7, and that any proposed buildings will incorporate architectural features in accord with design guidelines for University Center, per the existing proffers. However, if retail is freestanding and not internal to the office buildings, it could attract drive-by traffic from Route 7, which is not the intent of employment supportive retail. The existing proffers list retail uses permitted on some of the parcels in University Center. Some of these uses include dry cleaners and tailors, pharmacy stores, office supply stores, restaurants (including fast foods with or without drive-through), video stores, and banks. These uses could be appropriate for Keynote Employment centers, if located within the office buildings or internal to the site. Otherwise, they would attract traffic from outside the community and would not be employment supportive.

Staff recommends that information is provided regarding the location and type of retail proposed. Any additional retail should be internal to the site, or located on the ground floor of proposed office buildings, to be considered employment supportive.

RECOMMENDATION

Staff is able to support the additional office uses on site, as the proposed office uses are compatible with Keynote Employment. However, staff is unable support additional retail until such time information is provided regarding the location and type of retail proposed. Any additional retail should be internal to the site, or located on the ground floor of proposed office buildings to be considered employment supportive.

Staff would be happy to meet with the applicant to discuss this issue.

cc: Julie Pastor, AICP, Director, Planning
Cynthia L. Keegan, AICP, Program Manager, Community Planning

A-12

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: September 16, 2006

TO: Mike Elabarger, Project Manager, Planning Dept.

THROUGH: Art Smith, Program Manager, Transportation Planning

FROM: George Phillips, Senior Transportation Planner

SUBJECT: ZCPA 2006-0005, University Center

LOCATION: North side of the Route 7/Route 607 (Loudoun County Parkway) intersection within University Center (See Attachment 1)

Background

The applicant is seeking a Zoning Concept Plan and Proffer amendment of ZCPA 2000-0009 to remove unneeded right of way from the Route 7/Loudoun County Parkway planned interchange and increase the total floor area by 140,746 square feet of office uses (from the currently approved 2,065,273 square feet to 2,206,019 square feet). This proposed increase is made possible due to the proposed reduction of needed right of way for the Route 7/Loudoun County Parkway interchange. The applicant has submitted a traffic study dated July 7, 2006 by Wells & Assoc., LLC, and a concept plan dated April, 2006 by Dewberry & Davis LLC, draft proffers dated June 1, 2006 and a statement of justification dated March 31, 2006.

Existing and Proposed Road Network

The site is located on the north side of the Route 7/Loudoun County Parkway in the University Center development. Based on a recent field visit by Transportation staff it is served by the following facilities:

- Route 7 is a six-lane median divided major arterial road with right and left turn lanes and a traffic signal at the intersection with Loudoun County Parkway. It also includes a fourth eastbound lane east of its intersection with George Washington Boulevard east of this interchange. It includes a 55-mph speed limit and, based on the latest available VDOT traffic data, carries 61,000 daily vehicle trips. A more recent ADT traffic estimate is requested from the applicant's traffic consultant. The Countywide Transportation Plan (CTP) calls for Route 7 to be a six lane limited access road with grade separated

interchanges including an interchange with the Loudoun County Parkway. The Board of Supervisors has selected the single point urban diamond as the interchange type to be constructed. Construction plans for the interchange are close to approval by the County and VDOT.

- Route 607 (Loudoun County Parkway/Presidential Drive) is a four lane divided road on the north approach of the Route 7/Loudoun County Parkway intersection. South of Route 7, the Loudoun County Parkway is now also a four lane divided road. Because the road segment between Route 7 and Smiths Switch Road was recently reopened from construction to four lanes, no current VDOT traffic count data is available. Based on existing traffic in this area and anticipated development, the traffic on this road is expected to be significant. The CTP calls for 120 feet of right of way plus additional land for turn lanes and the planned interchange. A portion of this road is to be part of a planned extension to Riverside Parkway west of University Center which is planned as a six lane divided road.
- Riverside Parkway, is currently constructed as a four lane undivided minor collector road between Research Place and its current terminus at Broad Vista Terrace. The CTP calls for Riverside Parkway to tie into Riverside Parkway to the west and to extend south of Research Place, bridge over Route 7 and tie into Russell Branch Parkway as a four lane undivided road within 90 feet of right-of-way. No specific count data was available from VDOT or the applicant's traffic study on this road. A previous Gorove Slade study from 2003 indicated 2,300 daily vehicle trips on the segment north of George Washington Boulevard and less than 100 daily vehicles south of George Washington Boulevard based on peak hour traffic factored to daily traffic. Bicycle accommodations are also to be considered in the design and may require additional right-of-way.
- George Washington Boulevard is constructed as a four lane and six lane divided road within the site. From Presidential Drive, it extends east and south to Route 7 opposite Richfield Way which includes a signal. It also extends north west of Presidential Drive, tapering down to a two-lane road which terminates into a residential development. Based on the factored peak hour information from the applicant's traffic study, traffic is estimated at approximately 8,000 daily vehicle trips immediately north of Route 7 and approximately 6,500 daily vehicle trips north of Research Place. This road is not currently included in the CTP for improvement.
- Research Place, local development road which loops between George Washington Boulevard and Riverside Parkway, is constructed as a four-lane road. Based on factored peak hour counts from the applicant's traffic study, an estimated 2,100 daily vehicle trips occur on the segment in the vicinity of George Washington Blvd. This road is not included in the CTP for improvement.

Trip Generation Information

Based on the applicant's traffic study, the currently approved office would generate 3,265 a.m. peak hour, 3,102 p.m. peak hour and 22,651 daily vehicle trips. The proposed use would

generate 3,432 a.m. peak hour, 3,260 p.m. peak hour and 23,749 daily vehicle trips. The proposed development represents an increase of 167 a.m. peak hour, 158 p.m. peak hour and 1,098 daily vehicle trips.

Transportation Comments

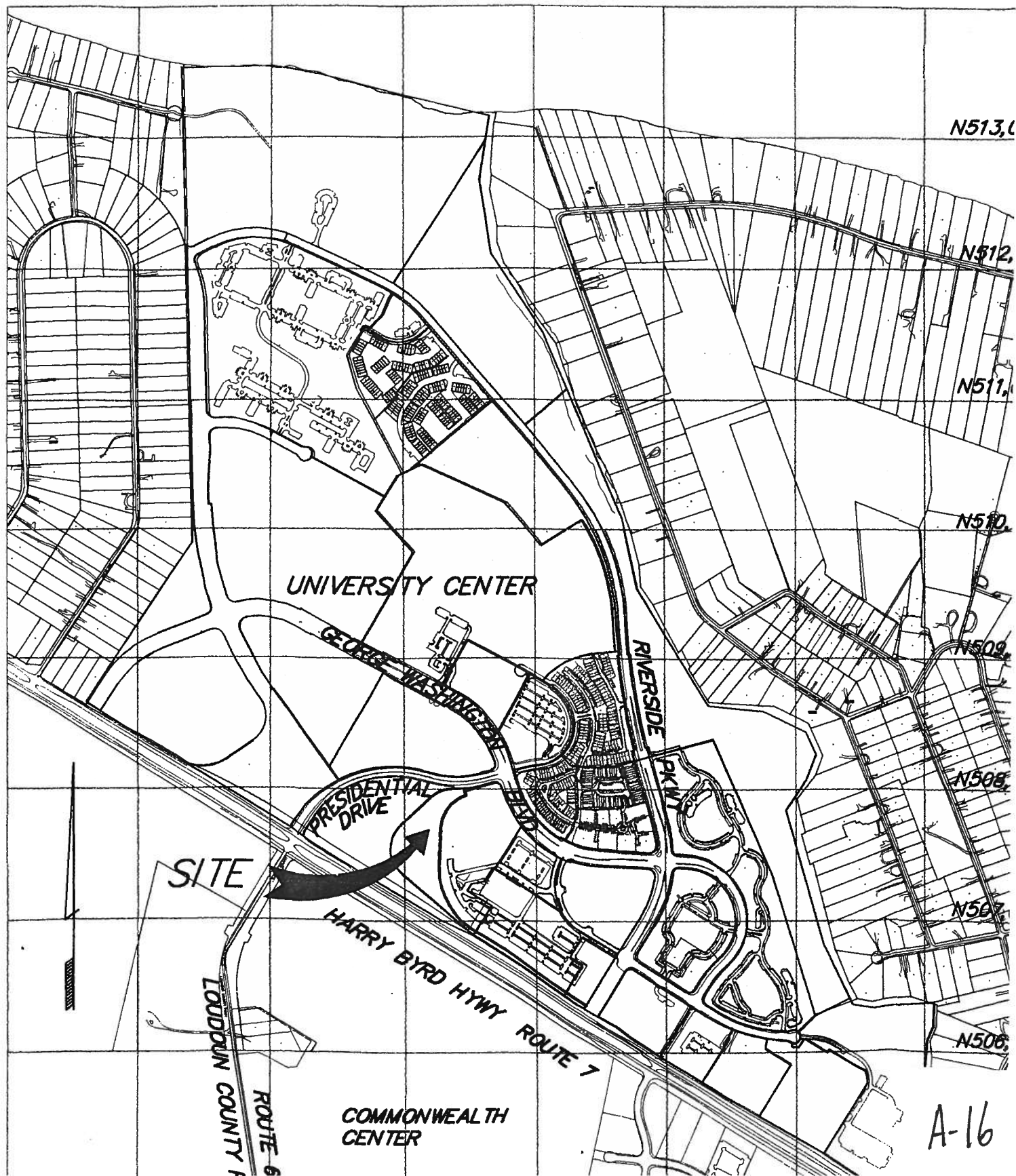
1. No interchange land can be returned to the applicant until the construction plans for the interchange receive final approval. It needs to be confirmed that all right-of-way needed for the approved construction plans is being provided.
2. The proposed use will increase site traffic and exacerbate congestion and failing (LOS F with average delays on some approaches of between 6-9 minutes) levels of service at the Route 7/Loudoun County Parkway and Route 7/George Washington Blvd. /Presidential Drive intersections. Since the provision of the Route 7/Loudoun County Parkway interchange is considered the most important improvement to address these concerns, the applicant needs to provide a fair share contribution towards the construction of this interchange. The approved proffers for the preliminary design and construction plans included \$1,000,000. The design process was lengthy and complicated and it is possible that this amount was exceeded by the applicant. OTS will take this into account with regard to the request for a fair share contribution.
3. What is the timing/status of constructing the western portion of Riverside Parkway from the Loudoun County Parkway to the northwest on the planned alignment within the site? Also, what is the status of extending Riverside Parkway to the south, over Route 7 to Russell Branch Parkway? Please clarify.
4. Several clarifications are needed from the applicant regarding the draft proffers. On page 4 under 4. (A) Retail Development, the applicant refers to possible increases in retail square footage. The traffic study only refers to an increase in office square footage. Please clarify. Also, on page 8 of the draft proffers under 7. On-Site and Off Site Regional Road Improvements 1. Loudoun County Parkway, the applicant is removing the construction language for the Loudoun County Parkway between Route 7 and George Washington Blvd. and replacing it with a \$1,000,000 cash equivalency. In addition, the applicant is removing other turn lane commitments in paragraphs 1.b, 1c, and 1d. Under most circumstances, OTS wants actual construction. Why are these changes being proposed in the proffers? Further discussion is needed.

Recommendation

The applicant needs to adequately address the above outstanding issues. The Office of Transportation Services has no recommendation at this time. Transportation staff is available to further discuss these issues with the applicant.

GRP/C Drive/University Center/ZCPA 2006-0005.
CC: Dale Castellow Director/OTS

LOUDOUN COUNTY, VIRGINIA



County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: May 14, 2007
TO: Mike Elabarger, Project Manager, Planning Dept.
THROUGH: Art Smith, Senior Coordinator, OTS
FROM: George Phillips, Senior Transportation Planner, OTS
SUBJECT: **ZCPA 2006-0005, University Center, Second Referral**
LOCATION: North side of the Route 7/Route 607 (Loudoun County Parkway)
intersection within University Center

Background

In response to initial comments from the Office of Transportation Services dated September 16, 2006, the applicant has provided a response letter dated April 26, 2007 and a revised concept plan dated April, 16, 2007 by Dewberry & Davis LLC and revised draft proffers dated April 25, 2007. Discussed below are the original OTS comments, the applicant's response and whether the issue has been adequately addressed.

Trip Generation Information

Based on the applicant's traffic study, the currently approved office would generate 3,265 a.m. peak hour, 3,102 p.m. peak hour and 22,651 daily vehicle trips. The proposed use would generate 3,432 a.m. peak hour, 3,260 p.m. peak hour and 23,749 daily vehicle trips. The proposed development represents an increase of 167 a.m. peak hour, 158 p.m. peak hour and 1,098 daily vehicle trips.

Transportation Comments

1. No interchange land can be returned to the applicant until the construction plans for the interchange receive final approval. It needs to be confirmed that all right-of-way needed for the approved construction plans is being provided. **The applicant notes that the preliminary design has been approved by the Loudoun Board Of Supervisors and that the preliminary constructions plans have been approved by OTS and VDOT (See attachment 1). The applicant notes that final construction plans will be submitted shortly for final review and signature. Once this is completed, this issue will be adequately addressed.**
2. The proposed use will increase site traffic and exacerbate congestion and failing (LOS F with average delays on some approaches of between 6-9 minutes) levels of service at the Route 7/Loudoun County Parkway and Route 7/George Washington Blvd. /Presidential Drive intersections. Since the provision of the Route 7/Loudoun County Parkway

interchange is considered the most important improvement to address these concerns, the applicant needs to provide a fair share contribution towards the construction of this interchange. The approved proffers for the preliminary design and construction plans included \$1,000,000. The design process was lengthy and complicated and it is possible that this amount was exceeded by the applicant. OTS will take this into account with regard to the request for a fair share contribution. **The applicant has provided documentation that they spent \$1,266,045 for the interchange design and engineering. In addition, the applicant notes in the draft proffers, that they will provide a cash contribution of \$696,000 (based on the applicant's estimated cost of Loudoun County Parkway between Route 7 and George Washington Boulevard) towards the construction of the Route 7/Loudoun County Parkway interchange. Has this road cost estimate been confirmed by VDOT? Please clarify. Also, there is no cash equivalent being provided for the proposed removal of turn lanes on southbound Loudoun County Parkway and a west bound right turn lane on Route 7 onto northbound Loudoun County Parkway. Please clarify.**

3. What is the timing/status of constructing the western portion of Riverside Parkway from the Loudoun County Parkway to the northwest on the planned alignment within the site? Also, what is the status of extending Riverside Parkway to the south, over Route 7 to Russell Branch Parkway? Please clarify. **The applicant notes that they have dedicated a 132 acre parcel to Loudoun County which includes the land area for the Riverside Parkway and Loudoun County Parkway rights-of- way. It is now under control of the County which it can dedicate for future right-of-way and construction if desired. Issue addressed.**
4. Several clarifications are needed from the applicant regarding the draft proffers. On page 4 under 4. (A) Retail Development, the applicant refers to possible increases in retail square footage. The traffic study only refers to an increase in office square footage. Please clarify. Also, on page 8 of the draft proffers under 7. On-Site and Off Site Regional Road Improvements 1. Loudoun County Parkway, the applicant is removing the construction language for the Loudoun County Parkway between Route 7 and George Washington Blvd. and replacing it with a \$1,000,000 cash equivalency. In addition, the applicant is removing other turn lane commitments in paragraphs 1.b, 1c, and 1d. Under most circumstances, OTS wants actual construction. Why are these changes being proposed in the proffers? Further discussion is needed. **The applicant notes that the retail would be a maximum of 11% and is ancillary/support to the PD-RDP uses. The applicant also notes that the cash equivalent contribution was requested by County staff since any construction of the Loudoun County Parkway north of Route 7 would be torn up by the interchange and the cash would be applied to the ultimate interchange construction. However, the cash equivalent noted in the draft proffers was not provided for several transportation improvements including the southbound turn lanes on the Loudoun County Parkway and the westbound right turn lane on Route 7 onto Loudoun County Parkway.**

Recommendation

The applicant still needs to adequately address the above outstanding issues. The Office of Transportation Services has no recommendation at this time. Transportation staff is available to further discuss these issues with the applicant.



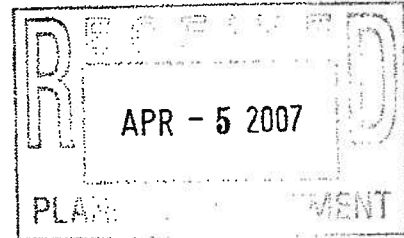
COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

April 2, 2007



Mr. Mike Elabarger
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: University Center
Loudoun County Application Number ZCPA 2006-0005

Dear Mr. Elabarger:

We have reviewed the above application as requested in your June 8, 2006 transmittal. We offer the following comments:

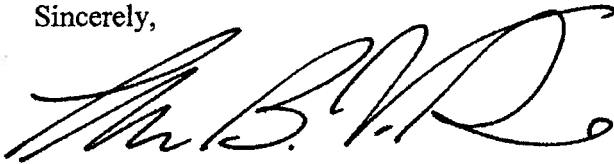
1. The approval of ZCPA 2000-0009 relieved the applicant of significant phased transportation proffers from ZMAP 1992-0004 that would otherwise have been triggered by non-residential development over 1,238,999 square feet, allowing up to 2,065,273 square feet under ZCPA 2000-0009. This application now proposes to increase that development to 2,206,019 square feet in order to utilize additional density associated with previously reserved right of way area not used by the applicant's desired interchange design. This constitutes a windfall for this applicant at the expense of the county and state taxpayers and each previous purchaser of residential or nonresidential property in University Center.
2. The amount of previously reserved right of way available for development is dependent of final approval of the interchange plans.
3. The cost estimate of \$1,000,000 in lieu of George Washington Boulevard construction (proffer 7.(A).1.a) should be submitted for review to ascertain whether it is a realistic amount that would adequately fund the related construction.
4. 4' wide trails (proffer 2. (D)) do not comply with current ADA, AASHTO, and VDOT policies for accessible routes and shared use paths.

University Center
April 2, 2007
Page 2

5. The procedures for abandonment of public roads and vacation of public rights of way and disposition of such rights of way are prescribed in § 33.1-156 through 33.1-167 and 15.2-2006 through 15.2-2008 of the Code of Virginia. The county attorney should determine whether proposed proffer 7.(A).3 is consistent with the code.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. B. VanPoole', with a stylized, cursive flourish at the end.

Thomas B. VanPoole, P.E.
Senior Transportation Engineer

June 18, 2007

Mr. Mike Elabarger
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: University Center
Loudoun County Application Number ZCPA 2006-0005

Dear Mr. Elabarger:

We have reviewed the above revised application as requested in your May 4, 2007 transmittal (received May 9, 2007). Our April 2, 2007 comments continue to apply as follows:

1. ZCPA 2000-0009 allowed the applicant to develop 67% more non-residential development than ZMAP 1992-0004 without triggering significant phased transportation proffers originally intended to mitigate the impact of such development. The applicant prefers to emphasize the reduction in ultimate total development proposed. This application proposes to increase the additional development to 78% of the original proffer phase trigger.
2. The amount of previously reserved right of way available for development is dependent of final approval of the interchange plans. The final detailed interchange design has only recently been submitted for first review.
3. The cost estimate submitted for review appears to be for the interchange design rather than for the George Washington Boulevard construction (proffer 7.(A).1.a).
4. 4' wide trails (proffer 2. (D)) do not comply with current ADA, AASHTO, and VDOT policies for accessible routes and shared use paths. While this is an unfulfilled proffer carried over from earlier applications, it should be updated to reflect current accessibility and pedestrian accommodation policies.

The procedures for abandonment of public roads and vacation of public rights of way and disposition of such rights of way are prescribed in § 33.1-156 through 33.1-167 and 15.2-2006 through 15.2-2008 of the Code of Virginia. The county attorney should determine whether proposed proffer 7.(A).3 is consistent with the code, and does not unduly limit the County Board's discretion under the code..

If you have any questions, please call me at (703) 383-2424.

Sincerely,

Thomas B. VanPoole, P.E.
Senior Transportation Engineer

bcc: Imad Salous, P.E.

A-21



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000



Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

27 June 2006

MEMORANDUM TO: Mike Elabarger, Project Manager
Department of Planning

FROM:  Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health

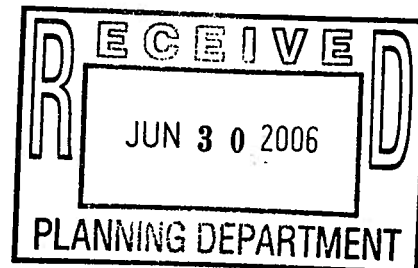
SUBJECT: ZCPA 2006-0005; University Center
LCTM: 63E ((16)) E (PIN 057-30-6159 and others)

The Health Department recommends approval of this application. The proposed facility will be utilizing public sewer and water. All prior existing sewage disposal facilities and wells have been abandoned. The plat reviewed was prepared by Dewberry and was dated April 2006.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdygd.ref





LOUDOUN COUNTY, VIRGINIA
Department of Fire – Rescue And Emergency Management

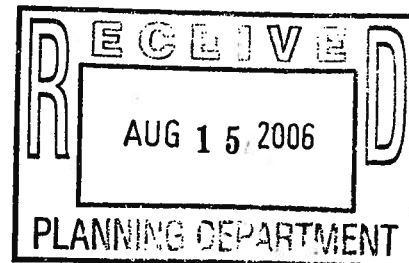
803 Sycolin Road, Suite 104
Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



MEMORANDUM

To: Mike Elabarger, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: August 14, 2006
Subject: University Center
ZCPA 2006-0005

Maria



Thank you for the opportunity to review the above captioned zoning concept plan amendment application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

Staff did not receive comments from the first due fire-rescue company by the requested due date. If you have any questions or need additional information, please contact me at 703-777-0333.

C Project File

From: Robyn Bailey
To: Elabarger, Mike
Date: 6/16/2006 2:17:30 PM
Subject: ZCPA 2006-0005

Economic Development is not going to be doing a referral. Please let us know if any questions come up related to issues we can address.

From: Daniel Csizmar
To: Elabarger, Mike
Date: 6/4/2007 3:54 PM
Subject: University Center

Mike,

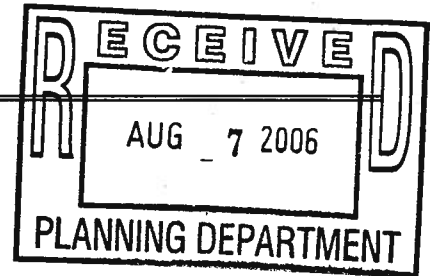
I looked at University Center's ZCPA proffer statement. I thought the County Attorney's comments from April were excellent. Seeing as how the proffers deal with transportation and road issues, I am going to let OTS make comments regarding those changes.

I have no comments.

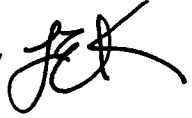
Dan

Daniel Csizmar
Capital Facilities Planner
Department of Building & Development
Loudoun County, VA
(703) 771-5997

MEMORANDUM



OFFICE OF THE COUNTY ATTORNEY LOUDOUN COUNTY, VIRGINIA

DATE: August 7, 2006
TO: Mike Elabarger, Department of Planning (#62)
FROM: Lawrence E. Kelly, Assistant County Attorney 
SUBJECT: ZCPA 2006-0005: University Center
FILE #: 09-06-026

As requested, I have reviewed the draft proffers, dated June 1, 2006, for the above referenced Zoning Concept Plan Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the header, I suggest that the correct application number be included.
2. In regard to the preamble, I do not see where an owner of Parcel F has been indicated. All of the other parcels indicated on the Concept Plan as being part of the subject Property have had the owner identified, but there does not appear to be an owner listed for Parcel F, even though this parcel is indicated to be part of the "Property". I suggest that the owner of Parcel F be identified.
3. In further regard to the preamble, I note that there are Parcels identified as "H-1", "H-2", and "H-3", while on the Concept Plan they are all identified as "Parcel H". I suggest that this inconsistency be eliminated.
4. In further regard to the preamble, in the thirteenth line thereof, I suggest that a parenthetical, which reads "(collectively, the above referenced parcels shall hereinafter be referenced as the 'Property', and collectively, the above referenced parcel owners shall be referenced as 'Owners')", be inserted following the last referenced parcel number. Currently, there is a similar phrase found in the eighteenth through twentieth lines, but I believe that it would be more

appropriately located after the reference to the last parcel number.

5. In further regard to the preamble, in the sixteenth and seventeenth lines thereof, I note that the applicant refers to "the various components of the Concept Development Plan, (referred to, collectively, as the 'CDP')". It is not clear what Concept Development Plan is being referenced. I suggest that the applicant refer to the Concept Plan, by title, date and name of the engineering firm that produced it. I also suggest that the applicant clarify what it is that they intended to reference "collectively", as the reference is unclear.
6. In further regard to the preamble, in the twenty-third through twenty seventh lines thereof, the applicant states that "any and all zoning modifications granted" in all previous zoning cases involving University Center shall remain in effect and are being re-enacted. I urge staff to analyze this assertion to ensure that there are no contradictory modifications granted, as in the case where one might have actually been intended to supercede a previous one. I also suggest that for the sake of clarity, these modifications be listed within the application. I also suggest that if they ZMODs are to be "re-enacted", that it would be wise to advertise them all.
7. In regard to proffer 1., I note that the applicant is only proffering conformance with certain sheets from the Concept Development. These exclude sheet 12 and 13, which contain a specific buffering plan along the western side of the Property. I suggest that conformance to these sheets be included.
8. In further regard to proffer 1., I note that the applicant has referenced the CDP as being dated "December 2005.". However, the cover sheet bears a date of April 2006, while Sheets 7, 9, 10 and 11 all bear a date of March 15, 2006, and Sheet 8 bears a date of July 8, 2005. I suggest that all of the sheets should have the same date, and that this inconsistency should be eliminated.
9. In further regard to proffer 1., which specifies conformance to the Concept Plan, I note that Sheets 7 and 8 of the Concept Plan have conflicting information on them. The acreage listed in the tables on the two sheets do not match the acreage listed with each land bay on the two sheets. Specifically, Parcels F, P and P-1 all have different acreage shown on the plat than what is contained in the table. I suggest that these be corrected.
10. In further regard to proffer 1., I note that in the Statement of Justification the applicant has stated that the changes to the Concept Plan will yield an additional 140,746 square feet of development. However, in reviewing the Concept Plan, it appears to me that there is only 45,647 additional square feet shown. I suggest

that this discrepancy be clarified and eliminated.

11. In regard to proffers 2.(A), 2.(B), and 2.(C), I note that the applicant has indicated that these proffers have been fulfilled, and, therefore, proposes to delete them. I urge staff to confirm the assertions that these proffers have been fulfilled.
12. In regard to proffer 2.(D), in the last line thereof, I suggest that the phrase "and bonded as part of the approval of the site plan application" be changed to read "and shall be bonded as part of the approval of such site plan application".
13. In regard to proffer 3., concerning Route 7 setbacks, I note that the applicant is proposing to delete lines four through thirteen of the proffer, on the basis that it has been fulfilled. However, a part of this proffer requires that the landscape buffer be "maintained". I suggest that this provision be retained in order to ensure that the installed buffer will be maintained.
14. In regard to proffer 4.(D), I note that the applicant again proposes to delete a provision concerning landscaping, this time addressing the area in front of the retail center. However, I suggest that rather than deleting this provision, that it be changed to assure that the installed landscaping will be maintained.
15. In regard to proffer 5.(A), I note that the applicant intends to delete the reference to Sheet 13. I do not understand why this reference should be deleted, or why Sheet 13 of the Concept Plan is no longer to be followed. I suggest that this be clarified.
16. In regard to proffer 6.(A), in the first line thereof, I suggest that the phrase "on the Property" be inserted following the phrase "for each building".
17. In regard to proffer 6.(B), in the first line thereof, the applicant refers to the definition of "habitable buildings" as contained in the Loudoun County Zoning Ordinance. However, there is no definition for this phrase contained in the Zoning Ordinance. I urge staff to check with the Building Code enforcement officials, as I believe it is the Building Code that defines "habitable building".
18. In further regard to proffer 6.(B), in the fifth line thereof, I suggest that the phrase "shall be provided" be inserted after the phrase "all other buildings".
19. In regard to proffer 6.(D), in the second line thereof, I note that the applicant proposes to provide emergency access "at the site plan stage of development". Most such proffers refer to the "framing stage of development". This seems to be a more logical point for the provision of emergency access, and I suggest that

it be considered.

20. In regard to proffer 7.(A), in the first line thereof, I suggest that the phrase "construct or contribute" be changed to "construct/bond for construction or contribute".
21. In regard to proffer 7.(A)1.a., concerning the Loudoun County Parkway, I note that the applicant has proposed changing their commitment from construction of a four lane section of Loudoun County Parkway, between Rt. 7 and George Washington Boulevard, to a \$1,000,000 contribution, which would be provided within sixty days of approval of this application. I urge staff to carefully evaluate the value of this section of road to ascertain whether this is an equivalent provision. I also suggest that it be clarified in the proffer as to whether this money is only to be spent on this section of road. As written, this is not clear. I also suggest that a parenthetical stating "(One Million Dollars)" be inserted following the numeric figure for that amount.
22. In regard to proffer 7.(A)2.a., in the first line thereof, I suggest that the phrase "Construct four lane divided roadway from current terminus west to Loudoun County Parkway" be changed to "Construct George Washington Boulevard as a four lane divided roadway from its current terminus, west to its future intersection with Loudoun County Parkway".
23. In regard to proffer 7.(A)3., I note that the applicant has proposed the vacation of existing Presidential Drive. In the first line of the proffer, I suggest that the phrase "for Presidential Drive" be inserted following the phrase "right-of-way". However, I also suggest that it be clarified where Land Bay P and Land Bay F, which are the two land bays affected by such a vacation, will ultimately have access. It is not clear if Parcel F is to have access from Loudoun County Parkway or not. If it is not, then I suggest that this be specified. It may also be worthwhile to clarify whether there is to be access for Parcel E from Loudoun County Parkway as well.
24. In regard to both Loudoun County Parkway and George Washington Boulevard, I note that the applicant has deleted the provisions requiring the dedication of right of way for these two roads. The applicant asserts that the proffer requiring the dedication of such right-of-way has been fulfilled. I urge staff to confirm this assertion, as there is no provision for the dedication of right-of way for these two roadways within this version of the proffers.
25. In regard to a number of proffers, I note that the applicant has asserted that they have been fulfilled, and therefore, they intend to delete them from the proffers. I

strongly urge staff to confirm the reality of whether each such proffer has, in fact, been fulfilled.

26. In regard to proffer 7.(D)2(a), I note that there are still provision dealing with the design and preparation of construction plans and profiles for the Rt.7/Loudoun County Parkway interchange. I request that staff clarify for me exactly where the design and construction plans are in the approval process.
27. In regard to proffer 7.(E), in the third line thereof, I note that the applicant has proposed to dedicate the necessary "temporary easements" outside of the right of way that are required for construction of roadways. I question why this is only referring to "temporary" easements. I urge staff to review this to determine if any permanent easements may be necessary as well.
28. In further regard to proffer 7.(E), I note that the applicant has deleted references to Loudoun County Parkway and George Washington Boulevard. Consequently, their commitment to providing "temporary easements" will not apply to these two regional roadways. I suggest that the provision of easements outside of the rights of way should continue to apply to these two roadways.
29. In regard to proffer 7.(E)(1), I note that the applicant has made changes to the outline format they have been using by using parenthesis differently in different subsections. I suggest that a uniform outline format be followed.
30. In further regard to proffer 7.(E)(1), concerning the dedication of right of way for the Rt.7/Loudoun County Parkway interchange, I note that the applicant has committed to providing the right of way needed to accommodate a specific set of design plans. I do not know the status of these plans, and there is no flexibility built into this proffer if any deviation from the submitted design plans is required. I urge staff to review the status of the submitted plans to determine if the proposed dedication needs to have some flexibility built into it.
31. In regard to proffer 11., I note that the applicant has proposed deleting portions of the proffer dealing with the preparation of a Specimen Tree Audit. I request that staff confirm whether this audit has been performed and submitted. Additionally, I suggest that the phrase "as shown on the Specimen Tree Audit" be added to the end of the proffer.
32. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

MEMORANDUM

OFFICE OF THE COUNTY ATTORNEY LOUDOUN COUNTY, VIRGINIA

DATE: July 3, 2007
TO: Mike Elabarger, Department of Planning (#62)
FROM: Lawrence E. Kelly, Assistant County Attorney
SUBJECT: ZCPA 2006-0005: University Center
FILE #: 09-06-026

As requested, I have reviewed the revised draft proffers, dated April 25, 2007, for the above referenced Zoning Concept Plan Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the preamble, in the nineteenth line thereof, the applicant has inserted the parenthetical "(1972)". I suggest that this be deleted. While the property is administered under the 1972 Zoning Ordinance, that particular fact is set forth in the Revised 1993 Zoning Ordinance. In order to avoid confusion, I recommend that the ordinance date not be referenced.
2. In further regard to the preamble, in the twenty-second line thereof, I note that the applicant has referenced a Concept Plan that was last revised March 31, 2007. However, the cover sheet for the concept plan says that the last revision date is April 16, 2007. I suggest that this inconsistency be eliminated.
3. In further regard to the preamble, I note that it states that this set of proffers supercedes and replaces any and all exiting proffers. However, this statement goes on to exempt zoning modifications previously approved. I do not see why the applicant is totally replacing the proffers but not the zoning modifications. I suggest that the applicable zoning modifications that are to remain in effect, be included in this application and be attached to these proffers as an exhibit.
4. In regard to proffer 1., concerning the Concept Plan, I note that the applicant is now referencing a final revision date of April 11, 2007. I see where this date appears on some of the sheets of the Concept Plan, but not on the cover sheet, which bears the final

revision date of April 16, 2007. IO suggest that these inconsistencies be eliminated and that all sheets should bear the same final revision date.

5. In regard to proffer 2.(D), I note that the applicant has stated their intent in regard to the provision of the four foot wide trail, but has included no provision to address the eight foot wide trail or pedestrian nodes shown on the Concept Plan. I suggest that these be addressed.
6. In regard to proffer 3., concerning the Route 7 setbacks, I note that the applicant has proposed deleting a provision that requires all site plans along Route 7 to conform to an overall landscape plan. I suggest that language is needed to clarify that the applicant established a unified and coordinated landscape buffer 100 feet in depth known as the Route 7 Landscape Concept for ZCPA 2000-0009, and that all site plans will adhere to the provisions of such plan. Additionally, since all of the proffers for ZCPA 2000-0009 are being superceded, I suggest that the referenced landscape plan be attached as an exhibit to this set of proffers.
7. In regard to proffer 4.(A), I note that the applicant has indicated that the level of retail development shall not exceed 111,203 square feet under the Phase One Development Plan as depicted on Sheet 8. However, nowhere has the applicant identified what constitutes Phase One, or what is a trigger for exceeding Phase One, nor has the applicant shown the level of retail development on Sheet 8, as stated. I suggest that this proffer be clarified.
8. In regard to proffer 4.(D), I note that in one place the applicant has struck the reference to "SPPL 1989-0055" while in another has added a reference to "SPPL 1989-005." I believe that the intent was to refer to the same plan set, but the numbers are different. I suggest that this inconsistency be eliminated.
9. In regard to proffer 5.(A), concerning the buffer between Land Bay E and the Potomac Farms Subdivision, I note that the proffer is couched in terms of maintaining an existing buffer, while the referenced Exhibit shows new plantings as being required. I suggest that this inconsistency be eliminated.
10. In regard to proffer 5.(C), in the fifth line thereof, I suggest that the word ", and" be inserted following the phrase "University Center.
11. In regard to proffer 6.(B), in the first line thereof, the applicant has referenced "the Building Code". This is an inadequate reference. I suggest that the applicant clarify what building code they are referencing.
12. In regard to proffer 7.(A), in the second line thereof, I suggest that the phrase "as set forth

in each respective proffer” be inserted following the phrase “following road improvements”.

13. In regard to proffer 7.(A)1.a., in the first line thereof, I suggest that the phrase “to the County” be inserted following the word “Pay”.
14. In regard to proffer 7.(A)2.a., in the second line thereof, I suggest that the word “its” be inserted prior to the phrase “current terminus”.
15. In further regard to proffer 7.(A)2.a., concerning the construction of George Washington Boulevard, I note that there is no timing mechanism included to indicate when the construction is to commence or by when it is to be completed. I suggest that this be clarified.
16. In regard to proffer 7.(A)3., I note that the lead for proffer 7.(A) does not work with this provision, as this proffer contains neither a commitment to construct/bond for construction or to provide a cash contribution. Therefore, I suggest that the phrase “The Owners shall” be inserted prior to the phrase “request vacation”. In addition, I suggest that it be clarified that the Owners will, if the road is vacated, assume responsibility for the physical removal of the roadway. Additionally, I note that the vacation of this roadway brings access for Parcels F and P into question. As shown at Ultimate build out, Parcel F would have access to George Washington Boulevard, but Parcel P would not, nor would it have direct frontage on any roadway. I suggest that the issue of access for Parcels F and P be addressed, specifically including whether direct access to George Washington Boulevard from Land Bay F is acceptable, whether Parcel P, with no public road frontage, is acceptable and generally how Parcel P is to access a public road without such frontage.
17. In further regard to proffer 7.(A)3., in the fourth line thereof, I suggest that the phrase “Ownership of” be inserted prior to the phrase “the vacated right-of-way”.
18. In regard to the applicant’s proposal to delete proffer 7.(C), concerning a cash in lieu contribution if others build a proffered improvement, I suggest that this provision be retained, as the applicant is still proffering to construct George Washington Boulevard on site, and this improvement could conceivably be constructed by others.
19. In regard to proffer 7.(D)2., in the first line thereof, I suggest that the phrase “for the Route 7/Loudoun County Parkway interchange” be inserted following the phrase “preliminary design plans”.
20. In further regard to proffer 7.(D)2., concerning the submission of the construction plans for the single point urban diamond-style interchange, I note that there is no indication as

to what the status of such submission is. I suggest that it be clarified as to whether the construction plans have been approved or whether such plans are still pending.

21. In regard to proffer 7.(E), in the second line thereof, I suggest that a comma be inserted following the word "County".
22. In regard to proffer 7.(E)1., I note that there is a reference to "approved Construction Plans and Profiles for the Route 7/Route 607 Interchange prepared by Dewberry and submitted to the County on February 15, 2005." It is not clear if these are the same plans referenced in proffer 7.(D)2. If they are, then I suggest that this be clarified, perhaps by referencing the CPAP number in both proffers.
23. In regard to proffers 7.(E)2. and 7.(E)3., which the applicant proposes to delete in their entirety, it appears that the applicant is proposing to no longer dedicate right of way for the extension of George Washington Boulevard west of Loudoun County Parkway, and it is not clear, but it also appears that they intend to delete the requirement to provide land for the extension of Loudoun County Parkway. I urge staff to review the appropriateness of such deletions.
24. In regard to proffer 9., it appears that the applicant wishes to delete its requirement to construct on-site improvements to Loudoun County Parkway. I note that in proffer 7.(A)1. the applicant proposes to provide cash in lieu of construction for the portion of Loudoun County Parkway from the Route 7 interchange to George Washington Boulevard, but this proffer proposes deleting the portion north of George Washington Boulevard as well, with no cash in lieu of construction. I urge staff to review the appropriateness of such additional deletion.
25. In further regard to proffer 9., in the last sentence thereof, I note that the applicant states that individual parcel access to public streets shall be as indicated on Sheets 7 and 8 of the CDP. However, these two sheets do not provide clarity as to the access for Parcels F and P. I suggest that the applicant's intent in this regard be clarified.
26. In regard to proffer 11., I note that the applicant is proposing to delete the first sentence of the proffer. However, I believe that this sentence, modified to reflect that the Specimen Tree Audit has been performed, is still needed in order to provide some context for the rest of the proffer.
27. In regard to proffer 13., in the second line thereof, I suggest that the phrase "and shall be" be inserted prior to the phrase "subject to appropriate easements".
28. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

MEMORANDUM

TO: Mike Elabarger, Department of Planning (#62)
FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)
THROUGH: Office of the County Attorney
DATE: October 30, 2007
RE: ZCPA 2006-0005: University Center
FILE: 09-06-026

As requested, I have reviewed the revised draft proffers, dated October 17, 2007, for the above referenced Zoning Concept Plan Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the preamble, in the twenty-second line thereof, I suggest that the word "toas" be changed to "to as".
2. In further regard to the preamble, in the twenty-fourth line thereof, the applicant states that "these proffers supersede and replace any and all existing proffers which pertain to the Property". The included list excludes the proffers for ZMAP 86-29. The applicant then goes on, in the last sentence of the preamble, to state that "no other zoning change to the pre-existing zoning of the Property is being made by this ZCPA". It seems to me that these two statements are somewhat contradictory as one statement suggests that all previous proffers are being replaced, while the second statement suggests that certain proffers are being retained unless specifically replaced. I suggest that this inconsistency be eliminated.
3. In regard to format generally, I note that in some instances the applicant has indicated that a particular proffer has been fulfilled, while in other instances proffers are left blank, and in yet other instances the proffer is skipped over in its entirety. I suggest that if a proffer is being deleted that it be so indicated, and if it has been fulfilled that this be so indicated, but that all existing proffers be addressed in some manner and not just skipped over with no explanation.
4. In regard to proffer 1., at the end of the proffer, I suggest that the phrase "and the Presidential Drive/Route 7 intersection has been closed" be added.
5. In regard to proffer 4., I suggest that the number "4" be indicated.
6. In further regard to proffer 4., in the last line thereof, I suggest that the reference to "(B)" be changed to "4.(B)".
7. In regard to proffer 5, I suggest that a space be added between the number 5 and the word "coordination". This lack of a space between the number and the header appears in a number of subsequent proffers as well, and I suggest that this be corrected throughout the proffers.

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8. In further regard to proffer 5., in the third line thereof, I suggest that the word "Plan" be added following the word "Treatment".
9. In regard to proffer 7.(A)3., concerning Presidential Drive, I note that the applicant has indicated that upon vacation of the public street right of way, the right of way will be owned from centerline by the respective owners of Parcels F and P. However, this fails to recognize that these two parcels do not own along the length of Presidential Drive. It appears to me that if Presidential Drive is vacated from the point of its intersection with George Washington Boulevard, the right of way at the intersection would go to the owners of Parcels H-3 and I-2. If this is the case, then there is no way for the owner of Parcel F to grant an easement to the owner of Parcel P for access at the location of the former intersection. It appears that the owner of Parcel F can only provide access to Parcel P at a point on George Washington Boulevard where they have frontage. I suggest that this problem be adequately addressed and clarified.
10. In regard to proffer 7.(D)2., concerning the construction plans and profiles for the Route 7/Loudoun County Parkway interchange, I urge staff to verify the referenced CPAP number and to determine whether the plans have been approved. The applicant asserts that the requirements for this proffer have been fulfilled, but it is not clear that the construction plans and profiles have actually been approved. Alternatively if the plans have been approved, then I suggest that this proffer so indicate.
11. In regard to proffer 7.(E), in the fourth line thereof, I suggest that the phrase "and maintenance" be inserted following the phrase "for the construction".
12. In regard to proffer 7.(E)4., I note that the applicant is only committing to the provision of easements. I question why there is no provision for the dedication of right of way and I suggest that this be provided.
13. In regard to proffer 8., in the tenth and eleventh lines thereof, the applicant indicates that the transportation system management program will be implemented when 1.5 million square feet of non-residential square footage has been occupied in "University Center as a whole". I suggest that what constitutes "University Center as a whole" be clarified.
14. In regard to proffer 9., in the fourth line thereof, the applicant refers to a specific set of construction plans and profiles and states that these have been approved. I urge staff to verify the accuracy of this reference and statement.
15. In further regard to proffer 9., in the sixth line thereof, the applicant refers to "the Applicant". It is not clear who is being referenced as the applicant has established "Owners" as the term of art for referring to the applicant. I suggest that this be clarified.
16. In regard to proffer 11., in the fourth line thereof, I suggest that the phrase "Audit is completed" be changed to "Audit's completion".
17. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

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